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Dated: June 25, 2003

Signature:

(DeAnn F. Smith)

Docket No.: MRI-007A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Robert Schlegel, *et al.*

Application No.: 09/768827

Group Art Unit: 1634

Filed: January 24, 2001

Examiner: M. Sheinberg

For: COMPOSITIONS, KITS, AND METHODS  
FOR IDENTIFICATION, ASSESSEMENT,  
PREVENTION, AND THERAPY OF HUMAN  
PROSTATE CANCER

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated March 25, 2003.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1, 3-6, 10-21, 23-26, 44, 46-49, and 51 -53, drawn to a method of detecting prostate cancer using nucleic acids, classified in class 435, subclass 6.
- II. Claims 1, 2, 4-9, 15-22, 24-26, 44, 45, 47-50, 52 and 53, drawn to a method of detecting prostate cancer using polypeptides, classified in class 435, subclass 7.1.
- III. Claims 27-32, 35, 39 and 40, drawn to a method of selecting compositions that inhibit or promote prostate cancer by altered expression analysis, classified in class 514, subclass 2.
- IV. Claims 33-35 and 40, drawn to isolated nucleic acids, classified in class 536, subclass 23.1.
- V. Claims 33, 35 and 40, drawn to isolated polypeptides, classified in class 530,

subclass 350.

- VI. Claims 33, 35-38 and 40, drawn to an antibody and compositions containing the same, classified in class 424, subclass 130.1.
- VII. Claim 41-43, drawn to a method of treatment by altering gene expression, classified in class 514, subclass 44.
- VIII. Claims 54 and 55, drawn to a computerized method and system for identifying a prostate cancer cell, classified in class 702, subclass 19.

Applicants hereby elect **the Group I invention** (Claims 1, 3-6, 10-21, 23-26, 44, 46-49, and 51 -53) for prosecution in this application, without traverse.

It is Applicants' understanding that under 35 U.S.C. §121, an election of a single species for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Applicants therefore elect **SEQ ID NO:10**.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. MRI-007A from which the undersigned is authorized to draw.

Dated: June 25, 2003

Respectfully submitted,

By 

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